



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/100,133	06/19/98	CONMY	D 52817.000013

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EXAMINER

VINCENT, S

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

07/19/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/100,133

Applicant(s)

CONMY ET AL.

Examiner

Steven F Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 to 16 are presented for examination.

Independent claims 1 and 5 to 7 have been Amended by the Applicant in papers received by the Patent & Trademark Office on May 23, 2000 to add the following restriction: "automatically updating the invitee's profile based on the invitee's response to the invitation".

Response to Arguments

2. Applicant's arguments with respect to claims 1 to 16 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that Hotaling does not teach a system where a meeting is scheduled using an electronic mail invitation, and an invitee's profile is automatically updated based on the response to the electronic mail invitation. Hotaling discloses that the invitee is automatically added to the meeting based on availability. Hotaling does disclose a method where the invitee can declare himself to be unavailable as shown in column 2, lines 7 to 14.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1 to 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotaling et al (US 5,124,912), and further in view of Buhrmann et al. (US 5,903,845), filed on June 4, 1996. Hotaling was used to reject claims 1 to 16 in the first Office Action, prior to the addition of the above restriction. Buhrmann discloses a personal information manager with features to allow selective updating of profiles.

a. As per claims 1 and 5 to 7, Hotaling discloses a meeting management device to determine " the optimal meeting date and time for a specified group of invitees with a set of specified time parameters" as shown in the first Office Action. Hotaling does not disclose selective update of the profile based on the invitee's response. Buhrmann discloses selective update of the profile in the paragraph starting on column 7, line 55 and in Figure 3. Both Hotaling and Buhrmann are inventions in the field of electronic calendaring. As shown above, Hotaling discloses a method to restrict selection for a meeting by using the "unavailable" function. The invention disclosed in Buhrmann is just an extension of this "unavailable" functionality and it would have been obvious to add Buhrmann's enhancement to Hotaling to improve this functionality.

b. As per claims 2 to 4 and 8 to 16, the reasons for rejection given in the first Office Action still apply. The arguments given for these claims were never disputed in the Applicant's response and since the Independent claims are still

rejected using Hotaling and Buhrmann as shown above, these claims are still rejected using Hotaling.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wollaston et al. (US 6,061,506), filed on August 29, 1995 discloses a system to update profiles in a business environment.

An article by Marina Roesler et al. in the July 1994 edition of Online magazine discloses intelligent agents with scheduling applications on page 20.

An article by Stuart Meinitsky in the July 24, 1995 edition of Network World discloses two electronic calendar programs.

An article by Amy Doan in the January 6, 1997 edition of InfoWorld discloses the Meeting Maker software product.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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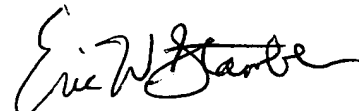
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven F Vincent whose telephone number is 703-305-9694. The examiner can normally be reached on M- F 8:30 am to 6:00 pm with first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan MacDonald can be reached on 703-305-9708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-1396 for regular communications and 703-308-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

Steven F. Vincent
July 13, 2000.



ERIC W. STAMBER
PRIMARY EXAMINER